

REMARKS

By the changes and Claims-substitutions respectfully requested above, the Applicant pro se has slightly reworded the previously submitted written materials to correct many or all of the faults suggested in the Office Action DETAILED ACTION dated 8/1/2002. The claims define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art. The wordings within the requested amendments were not presented before because the Applicant pro se is inexperienced with the many rules for the drafting of acceptable claims and was unaware that prior wordings caused (unintentional) violations of 35 USC cited by the O.A., in spite of having rigorously attempted to follow rules per the guidance of a book from the local public library, Patent it Yourself.

Declaration: The Applicant declares that the phrasing herein, 'slightly aft of or even with the second seating row's seatbacks' accurately describes the actual operable embodiment of the invention's back-up mirror system which was built at least 10 months prior to the original filing of the Application (June, 2001). The Applicant has herein chosen more careful and narrow wording to reveal the implied and true mounting location of the back-up mirror system being taught by FIG.1 which showed its rear-facing window as clearly being NOT fixed at the rear-end of the vehicle and clearly showed the back-up mirror positioned very close to the rear windshield's edge in FIG. 1; the present wording represents a narrower and more accurate and careful expression of the Applicant's back-up mirror mounting position, to clearly distinguish it over prior art, and the Applicant therefore requests the narrower wording not be deemed 'new material'; the Applicant pro se requests to not be penalized for originally choosing over-generalized wording in the earlier Claims and Description of the true back-up mirror mounting location. The

Applicant pro se wishes to thank the Examiner for the points of guidance given during the brief phone consultation on the afternoon of September 12, 2002 regarding various aspects of how to best prepare this response.

Claim Rejections under 35 USC §112 are overcome:

Claims 3-6 were rejected under 35 USC §112 as being insufficient to describe the subject matter to reasonably convey that the Applicant had possession of the claimed invention at the time of application filing, (p.2, DETAILED ACTION). The Applicant requests reconsideration and withdrawal of this rejection. The reasoning for the Applicant to assert that he indeed had possession of the invention at the time of application filing is that the Applicant's records show a timeline of his slow (part-time) invention process, beginning with experiments with mirrors to solve the current backing-up problem starting before July 27, 1998; then, with optimism on July 27, 1998, the Applicant phoned the USPTO to request their "BASIC FACTS" publication -- in anticipation of drawing up and filing a pro se Application for the eventual invention. During August and September, 1998, with the aid of the Applicant's daughter, Melody M. O'Leary, BSME Purdue University, (confidentiality was agreed to and maintained by O'Leary), the Applicant pro se (a retired Electrical Engineer, BSEE Northwestern University) took measurements of parking lots, mini-vans, passenger vehicles, and existing retail mirrors on sale as after-market parts for passenger vehicles, to begin developing drawings and further experimental structures capable of an operable solution. A

successfully-functioning, non-motorized embodiment with a slightly convex back-up mirror has been in use in the Applicant's own 4-door sedan since at least July 23, 2000, at which time photographs of an operable installation were taken; the local Walgreen's film-developing date-stamped envelope (time stamped 9:01am) and date-stamped print photos are available to be entered in this proceeding should the photocopy attachment be inadequate; the Applicant was under the impression that photographs were discouraged from being included in the Application. a photocopy of a July 23, 2000 photo and its Walgreens photo-developing pouch is attached. DECLARATION: The Applicant declares that the photos developed on July 23, 2000 clearly showed the mounting location of the back-up mirror of the present invention as is now being expressed in the claims-substitutions herein: "slightly aft of or even with the second seating rows' seatbacks". Furthermore, the Applicant responds that the June, 2001 specification did indeed 'more than reasonably' convey to one skilled in the relevant art, the exact structure of elements claimed at the time of the original application, when use is made of both its original language and its FIGURES: FIG. 1 clearly showed the back-up mirror mounting location near the driver's-side "edge" of the sedan's rear-windshield, which windshield-edge itself was NOT at the vehicle's rear-end, furthermore the back-up mirror shown must be positioned slightly aft of the second seating row's seatbacks because the rear windshield of a 4 door sedan is not forward of a rear-seating-row's seatbacks; and the distance from the back edge of the back-up mirror

of FIG. 1 to the rear-windshield (a slanted piece of glass) of FIG.1 is not large enough for construing it to be mounted in a position in front of a passenger row's seatbacks; furthermore, the external dimensions of the passenger vehicle of FIG. 1 were taken from a Toyota Camry 4-door sedan sales brochure at the time of the CAD drawings and that car model included a second seating row contained between its front and rear windshields. DECLARATION: The Applicant declares that FIG. 1 was meant to represent the embodiment pictured in the photo developed on July 23, 2000.

A limitation of old claims 3 and 4 was rejected regarding the viewable area "3 to 40 feet away from said vehicle" as being new matter, (p.2, DETAILED ACTION). In response, the Applicant maintains that the noted measurement and choice of words merely attempted to narrow his original Description and Claims by more clearly and narrowly defining the physical size of the physical element being illustrated in an embodiment of the present structure as shown in FIG.1's item 23: 'nearby oncoming cross-traffic' which has been repeatedly described in the DETAILED DESCRIPTION because the novelty of the present invention relies on the physical geometry taught by the relative physical positioning of its elements; the claims substitution requested herein nevertheless complies with the O.A. objection by reverting to the previous (but over-generalized) wording found in the original Specification: 'region of nearby oncoming cross-traffic'. Hence, the Applicant requests reconsideration and withdrawal of this rejection.

The Claims were also rejected as being indefinite due to the recitation of 'namely,' and 'more particularly' (p.2 DETAILED ACTION). The Applicant requests reconsideration and withdrawal of this rejection because the claims-substitutions requested herein do eliminate the culprit phrases: 'namely, amirror' and: 'more particularly'.

Claim rejections under 35 USC §101 are overcome as follows:

The Claims were rejected under 35 USC §101 for having set forth the limitation of a human being, (p.3, DETAILED ACTION). The Applicant requests reconsideration and withdrawal of this rejection due to the claims-substitution herein being worded to no longer include a person or human in the physical structure of elements.

Claim rejections under 35 USC §102(b) as being anticipated by Jackson, Yue, Rubin are overcome as follows:

The Claims were rejected as being anticipated by Jackson, Yue, and Rubin, (p.4, DETAILED ACTION). The Applicant responds that the problem being solved by the current back-up mirror structure distinguishes over these prior art devices by:

a) solving a different need, (viewing oncoming cross-traffic before backing-up when direct views are blocked by an adjacent SUV/opaque object)

b) relying upon a physical difference: the unique shape of the geometry of its structure of elements with unique physical and reflecting relationships among its parts: the driver's seat location, the back-up mirror mounted aft of or even with the second seating

row's seat-backs, the physical region containing nearby oncoming cross-traffic, the rear-view mirror; which physical structure others have failed to rely upon.

Without obeying the physical relationship of elements taught by the present back-up mirror invention, the cited references have not been shown to be capable of performing the function of the current invention.

The Applicant reiterates that the geometric structure of the relatively placed elements of the current back-up mirror invention are novel and has not been anticipated in prior art.

The claims submitted herein are worded to define patentably over these references (Jackson, Yue, Rubin) and any combination thereof.

The Applicant requests reconsideration and withdrawal of the Claims Rejections 35 USC §102(b) on Jackson, Yue, and Rubin for these, and further reasons, and because of the differences listed below:

1. The prior art do not show all of the novel physical features of the present Claims.

2. The novel physical structure of elements in the current back-up mirror invention produces new, beneficial, and unexpected results and solves a long-felt, unsolved need and since no prior art has been shown to rely on this novel structure, is hence unobvious and patentable over the references.

Differences of the Present Invention over References cited:

1.**Jackson:** The Applicant respectfully disagrees because Jackson's physical mounting positions, reflecting relationships, and resulting

geometry in its physical structure of elements do not allow a backing-up driver to view an image of nearby oncoming cross traffic without physical alterations to its structure. The present structure differs over Jackson because it does not rely on a reflecting relationship with a physical element 1 or 2 feet to the right of the driver's own rear bumper. The present structure physically differs from Jackson by aiming its back-up mirror generally horizontally relative to its mounting location. The structure relied upon by Jackson is NOT capable of aiding a driver to view oncoming cross-traffic without physically altering its reflecting geometry relative to the driver's seat. The present structure differs from Jackson because it relies on a structure whose back-up mirror element is not fixed at the rear-end of the vehicle, rather it teaches the back-up mirror to be fixed slightly aft of or even with the second seating row's seatbacks. The present invention also differs from the reference by suggesting the use of a back-up mirror surface which is slightly convex (and does NOT rely on Jackson's concave embodiment). The present invention differs because it relies on a physical structure whose main embodiment's back-up mirror is mounted on a left side or right side of the compartment's interior, NOT fixed at the rear end of the vehicle. The present invention differs because its physical structure does allow a backing-up driver to see a view of a physical region containing nearby oncoming cross-traffic. The present invention differs because it suggests a solution for a backing-up driver to view oncoming objects whose direct visibility is blocked by an adjacent external opaque

object such as a fence, garage wall, or adjacent parked mini-van. In other words, the present back-up mirror system teaches a new physical structure of elements and a new back-up mirror method and relies on the physical region in the lane of nearby oncoming cross-traffic, and solves a long-felt, unsolved need. The present invention solves a different problem than the device of Jackson, and such different problem is partly recited in the claims: a growing safety problem caused by adjacent parked SUVs and mini-vans which block a driver's direct view of nearby oncoming cross-traffic just before the driver backs-up into the lane(s) of cross-traffic. The physical features claimed in the present back-up mirror system and back-up mirror method distinguish their novelty over this reference.

2.Yue: The Applicant respectfully responds that there is no evidence that the device of Yue performs or anticipates or is capable of the function of the present invention's structure of elements. There is no evidence that Yue teaches a physical structure whose reflecting relationship relies on the back-up mirror's relative position to the driver's seat, nor relies on relative physical alignment relative to the rear-view mirror, nor relies on that physical region containing nearby oncoming cross-traffic, nor relies on the mounting location of the back-up mirror being slightly aft of or even with the second-row seatbacks. The device of Yue solves a clearly self-stated need of a rear-seat passenger to self-view by relying upon a mirror mounting location clearly exhibited in Yue's FIG. 4 as forward of the seatbacks of the second seating row (relatively forward of a seated passengers'

eyes). The present invention differs over Yue by relying on a back-up mirror mounting position located slightly aft of or even with the seatbacks of the second seating row. The device of Yue does not anticipate the present physical structure of elements; it is not obvious nor is it likely that a passenger could self-view themselves in a back-up mirror mounted aft of the passenger's seatback; the O. A. has not presented reasoning to establish how Yue anticipated the present physical structure. Just because the present invention relies on a mirror mounted inside a vehicle compartment does not mean that prior art making use of an interior-mounted mirror has anticipated the present physical structure or solved the present problem. The present invention differs over Yue by relying on a back-up mirror mounting position slightly aft of or even with the second seating row's seatbacks. The present invention also differs by relying on a structure of elements whose geometry is dependent upon the back-up mirror's location relative to the driver's seat and to the rear-view mirror. The present back-up mirror invention differs from Yue by solving a need for greater safety when backing up, the device of Yue does not teach how to solve this need. The present invention distinguishes over Yue by its unique physical structure which relies on a novel reflecting and physical relationship among its elements, including novel mirror positionings within a vehicle. The present novel structure of elements has not been relied upon or anticipated by this reference; the present problem has not been anticipated by this reference.

3. **Rubin:** While the optical system of Rubin teaches a driver to use two compartment-interior mirrors, its mirror alignments and physical structure and its functions rely on a second seating row's passengers; the physical structure of Rubin also relies on a roof-mounted (cieling-mounted) mirror position, generally above the seat-cushions of the second seating row, namely forward of the torsos of the second-row passengers, namely forward of the second row's seatbacks. The structure of the present invention differs by not relying upon a mirror whose physical mounting position is above the knees of those passengers in the second row of seating and therefore forward of the second row of seatbacks. Rubin clearly teaches a passenger in the rear seating row to view their own reflection in the cieling-mounted mirror by swivelling and re-aiming it relatively downward from its mounting location, and whose resulting physical mounting location is clearly still forward of the second seating row's seat-backs. The differences of the current invention over the device of Rubin are that it does not rely on a mirror being aimed directly at the face of a second-row passenger and it relies on a physical mounting location and position aft of the passenger row. Rubin clearly teaches a structure for a driver to view the second row passengers located inside the vehicle, so the present invention distinguishes over Rubin by teaching a driver to use a mirror structure to view nearby oncoming cross-traffic objects located outside of the vehicle relying on its back-up mirror whose mounting position is fixed slightly aft of or even with the seatbacks of the second seating row. There is no evidence that the

device or geometry or structure taught by Rubin is capable of providing a driver with visibility of nearby oncoming cross-traffic when direct visibility is blocked by a neighboring opaque object, nor does Rubin teach a solution to such a problem, nor does Rubin identify such a problem. The present invention distinguishes over Rubin by its unique physical structure which relies on a novel geometry among its elements, including novel mirror positioning within a passenger vehicle, which structure of elements has not been relied upon in this reference.

Claim rejections under 35 USC §103(a) - unpatentable over Jackson, Yue, Rubin due to aspects of obviousness are now overcome as follows:

In general, no USA passenger vehicles nor prior art references have been shown or found to be currently using the present invention's back-up mirror system structure whose back-up mirror mounting position is slightly aft of or even with the second seating row's seatbacks while relatively aimed with respect to the other elements as taught by the present invention, for a driver's use, even though the present invention offers a great advantage and improvement in helping reduce costly collisions when backing out, therefore the Applicant pro se submits that the physical structure of elements of the present invention, while beneficial to backing-up drivers, is unobvious. The present invention offers an improvement and safety advance. In spite of the seeming simplicity of the present invention, it appears to be unobvious to car-safety design engineers who have not been shown to

heretofore have manufactured the present structure of elements into their vehicles for the result of a driver seeing an alternative view of nearby oncoming cross traffic before backing up; but complicated electronic systems to sense objects nearby to cars have been reported in the press (CAS, crash avoidance systems). Since two US car manufacturers have recently shown an interest in the Applicant's present invention, as previously declared with exhibits from GM and Ford, their automotive design engineers had not apparently thought of the present invention themselves. Prior art do not suggest mirror structures with a back-up mirror positioned slightly aft of the second-row seatbacks to solve the present problem. The present invention solves a different problem than the cited references solve.

Regarding Claim 4, rejected as obvious, (p.5, DETAILED ACTION):
The Applicant agrees that while "the action of moving one's head to look into a mirror to be apprised of locations of objects found in the mirror's viewing area" is obvious, this does not make the use of the claimed physical structure via the claimed method (nor make prior art structures relying on a 2-mirror-system for a driver's viewing images of objects) 'obvious'. The Applicant points out that the present mirror & vehicle structure in method claim 8 (formerly claim 4) relies on the novel combination and novel physical structure of elements of claim 7, which itself has an un-obvious and novel physical structure, having not been taught by prior art nor shown to be sold in US passenger vehicles. Therefore the Applicant pro se solicits

reconsideration and withdrawal of this rejection and submits that Claim 8 is allowable over the cited references and solicits allowance.

Regarding Claim 5, rejected because the Applicant's narrower description of the back-up mirror mounting location ('on a side pillar') was deemed to be an obvious way to achieve unobstructed viewing thru the rear window, (top of p.6, DETAILED ACTION): If it were obvious, and still produced an operable structure, then Jackson would surely have claimed such a mounting position as an alternative embodiment. The Applicant responds that is almost certainly likely that the neighboring stationary bumper, upon which Jackson's structure relies, could not be in the field of a driver's view of such an interiorly-fixed mirror structure anyway, since the body of the driver's own vehicle would surely itself block the sightline towards the neighboring bumper. The mounting location of the present back-up mirror would therefore be an unobvious mounting location in a structure trying to solve the problem being solved by the device of Jackson. Notwithstanding, the Applicant has herein requested lines 4,5,6 be struck from P.8 of the original specification. Therefore the Applicant solicits reconsideration and withdrawal of this rejection and submits that Claim 9 (formerly 5) is unobvious and allowable over the cited reference and solicits allowance.

Regarding claim 4 over Yue, rejected by reason of the same objection raised in rejecting claim 4 over Jackson a few paragraphs ago, (per p.6 DETAILED ACTION): The Applicant responds with the same reasoning from a few paragraphs ago -- The Applicant agrees that while

"the action of moving one's head to look into a mirror to be apprised of locations of objects found in the mirror's viewing area" is obvious, this does not make the use of the claimed physical structure by the claimed method (nor make prior art structures relying on a 2-mirror-system for a driver's viewing images of objects) 'obvious'. The Applicant points out that the present mirror & vehicle structure in method claim 8 (formerly claim 4) relies on the novel combination and novel physical structure of elements of claim 7, which itself has an un-obvious and novel physical structure, having not been taught by prior art nor shown to be sold in US passenger vehicles. Furthermore, there is no "second mirror" nor "mirror system" relied upon by the device of Yue, only a single reflecting element with no geometric alignment to or reliance upon the driver's seat location, nor any alignments relied upon relative to the oncoming cross-traffic. Therefore the Applicant pro se solicits reconsideration and withdrawal of this rejection and submits that Claim 8 is allowable over the cited reference and solicits allowance.

Regarding claims 5 and 6 over Yue, rejected due to possible obviousness of an alternative mounting location, (p.6, DETAILED ACTION): the Applicant responds that the present invention does not rely on a driver's seeing thru the 'rear side window' nor the 'side-door's window'. If there were an obvious advantage for the device of Yue to not obstruct the direct viewing thru the side-door's window ('rear side window'), such alternative mounting position(s) would then have been described by Yue as additional embodiments. The Applicant

submits that the physical structure of the present system of mirrors, including its back-up mirror mounting location onto a side pillar (generally vertical surface) slightly aft of or even with the second row's seatbacks is unobvious, and not anticipated nor useful by the device of Yue, and is an unexpected mounting location if it were suggested to solve the need of passengers desiring self-viewing. (See Applicant's FIG.1, location of back-up mirror (6)). Therefore the Applicant solicits reconsideration and withdrawal of this rejection and submits that the present Claim 9 (formerly claim 5 and 6) is allowable over the cited reference and solicits allowance.

Further comments on the language of the present claims:

Claim 7 is a slightly amended version of the cancelled Claim 3. The Applicant's claims 7,8 and 9 recite numerous distinguishing physical elements with novel physical structure and geometry over the references, and hopefully now overcome the errors noted in the O.A:

- the present back-up mirror mounting position is no longer called "generally forward of said rear-facing window opening", rather, "slightly aft of or even with the second seating row's seatbacks"

- the present structure no longer describes the physical cross-traffic-lanes-element as "3 to 40 feet away from the vehicle", rather it is referred to with the Applicant's original generalized phrasing, " nearby to a side of said vehicle ";

- the structure of the present invention still relies on the physical location of the driver's seat, rear-view mirror, region of

cross-traffic, and back-up mirror mounting location, which are more clearly expressed in the present claims;

-the structure of the present invention's back-up mirror mounting location is no longer described using the former (and too-general) wording, " rear-facing window opening";

-the present invention has never relied on a mirror positioned onto the cieling region located above second-row passengers' knees and laps;

-the present invention has never taught a driver to view passengers or passengers' faces inside the passenger compartment.

The Applicant submits, as previously, that there are numerous prior art structures in this class using mirrors for vehicles, making it a crowded art, and the step forward of the present invention should be regarded as useful and significant, as an improvement to help reduce the frequency of property damage and bodily injuries caused by collisions with oncoming cross-traffic objects by backing-up vehicles whose drivers' views were otherwise blocked.

Withdrawal of all rejections under **35 USC § 112, 35 USC § 101, 35 USC § 102(b) , and 35 USC §103(a)** on the claims appears in order and is respectfully requested.

In view of all the above reasons, it is submitted that claims 7, 8, and 9 are allowable and the Applicant respectfully requests a response to such effect.

Declaration of Commercial Interest being shown:

In support of the novelty of the present invention, the Applicant declares, as previously, that commercial interest in this back-up mirror system invention has been shown to the Applicant by GM & Ford.

Conclusion:

The Applicant pro se has requested amendments to the Specification and Claims of this Application so that the errors are corrected under 116, so that they are proper, definite, and recite a novel structure of elements that is physically different from prior art, which structure produces unobvious results, meets an unsolved, long-felt need for a simple system of improving driver safety when backing-up a passenger vehicle into lanes of cross-traffic. For all of the above reasons, the Applicant pro se submits that the claims are now in proper form, and that the claims define patentably over prior art. Therefore I submit that this application is now in condition for allowance, which action I respectfully solicit.

Conditional Request for Constructive Assistance:

If, for any reason, this application is not believed to be in full condition for allowance, the Applicant pro se reiterates his respectful request for the assistance of the Examiner pursuant to MPEP §2173.02 and § 707.07(j) , which extends to the Examiner's writing of acceptable claims on behalf of the Applicant pro se, so that the

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undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,

William L. Morrison

William L. Morrison

Applicant Pro Se

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2002 September 25

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